IN THE HIGH COURT OF UTTARANCHAL
AT NAINTIAL

Criminal Misc. Application No. 636 of 2006

Sarvjeet Singh S/o Sri Charan Singh
R/o Mohalla Kashmir Avenue
P.S. Sadar, Amritsar
Punjab & two others .....Applicants

Vs

1. State of Uttaranchal & two others ...Opp. Parties

Sri K.S. Bora, learned counsel for the applicants.
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the applicants/petitioners who are facing trial in Criminal Case No. 1080 of 205 State Vs Sarvjeet Singh & others under Section 379, 411 I.P.C. and 26 Forest Act pending in the court of Judicial Magistrate, Khatima, District Udham Singh Nagar.

2. Brief facts giving rise to this petition are that the First Information Report was lodged against the petitioners for the offence under Section 379, 411 I.P.C. and 26 Forest Act. The police investigated the matter and thereafter chargesheet was submitted against the petitioners on 09.06.2005, which is contained as annexure No. 8 to the petition. The petitioners have thus filed this petition for quashing the chargesheet filed against him as well as entire proceedings of the above mentioned criminal case.

3. Heard Sri K.S. Bora, learned counsel for the petitioners, learned A.G.A. for the State and perused the record.

4. After having considered the arguments of the learned counsel for the petitioners, I am of the view that there is no abuse of process of court in this case. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence, at this stage. Any judgment rendered by me would amount to premature judgment, especially under the circumstances where the evidence is yet to be adduced before the court concerned.

5. I do not find any ground for quashing the criminal proceedings at this stage. Therefore, the petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr. P.C. is dismissed.

05.05.2008 **(B.C. Kandpal, J.)**
ASWAL